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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

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11 BRANCH BANKING AND TRUST
12 COMPANY, a North Carolina banking
13 corporation,

14 Plaintiff,

15 vs.

16 PEBBLE CREEK PLAZA, LLC, a Nevada
17 limited liability company, YOEL INY; NOAM
18 SCHWARTZ; YOEL INY, Trustee of the Y&T
19 INY FAMILY TRUST dated June 8, 1994;
20 NOAM SCHWARTZ, Trustee of the NOAM
21 SCHWARTZ TRUST dated August 19, 1999;
22 D.M.S.I., L.L.C., a Nevada limited liability
23 company; and DOES 1 through 10, inclusive,

24 Defendants.

CASE NO. 2:12-cv-1737-LRH-NJK

25 **STIPULATED ORDER TO VACATE JUDGMENTS**
26 **AND TO DISMISS ACTION WITH PREJUDICE**

27 Plaintiff BRANCH BANKING AND TRUST COMPANY ("BB&T" or "Plaintiff"), by
28 and through its undersigned counsel of record, and Defendants PEBBLE CREEK PLAZA, LLC,
29 YOEL INY, NOAM SCHWARTZ, YOEL INY as Trustee of the Y&T INY FAMILY TRUST
30 dated June 8, 1994, NOAM SCHWARTZ as Trustee of the NOAM SCHWARTZ TRUST dated
31 August 19, 1999, and D.M.S.I., L.L.C. (collectively "Defendants"), by and through their
32 undersigned counsel of record, hereby stipulate and agree to the entry of this Stipulated Order by
33 this Court providing as follows:

1 1. The Final Deficiency Judgment entered in this action in favor of BB&T and
2 against Defendants on July 11, 2016 [ECF No. 151] in the amount of \$1,802,525.01 is hereby
3 vacated;

4 2. The Judgment entered in this action in favor of BB&T and against Defendants on
5 February 10, 2017 [ECF No. 170] awarding BB&T attorney fees in the amount of \$219,820.48
6 and nontaxable costs in the amount of \$12,847.38 is hereby vacated;

7 3. All claims and counterclaims asserted in this action are hereby dismissed with
8 prejudice; and

9 4. The parties shall each bear their own attorney fees and costs incurred in
10 connection with this action.

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12 IT IS SO STIPULATED.

13 DATED this 19 day of Dec., 2017.

 DATED this 6th day of Nov., 2017.

14 **HOLLAND & HART LLP**

KOLESAR & LEATHAM

15
16 By 

 By 

17 JEREMY J. NORK, ESQ.
18 FRANK Z. DAFORGE, ESQ.
19 5441 Kietzke Lane, Second Floor
 Reno, Nevada 89511

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 400 South Rampart Boulevard, Suite 400
 Las Vegas, Nevada 89145

20 *Attorneys for Plaintiff*

Attorneys for Defendants

21
22 **IT IS SO ORDERED.**

23
24 
25 LARRY R. HICKS
26 UNITED STATES DISTRICT JUDGE

27 DATED: December 22, 2017
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